

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.205 OF 1997

Dated, the 11th December, '98.

BETWEEN :

M.V. RAMANA

... Applicant

A N D

1. The Post Master General,
Kurnool Region, Kurnool.
2. The Superintendent of Post Office,
Nandyal, Kurnool District.
3. The Sub-Divisional Office,
Markapur Prakasam District.

COUNSELS :

For the Applicant : Mr. M. Subba Reddy

For the Respondent : Mr. V. Vinod Kumar

CORAM :

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMIN)^{AL}

THE HON'BLE MR. B. S. JAI PARAMESHWAR, MEMBER (JUDICIAL)

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O R D E R

(PER: HON'BLE MR. B. S. JAI PARAMESHWAR, MEMBER(J)

1. When this O.A. was taken up for hearing none either side was present. Hence, we were not inclined to adjourn the proceedings on account of absence of the parties and their Counsels. We are deciding this O.A. on the basis of the material available on record in accordance with Rule 15(1) of the Central Administrative Tribunals Rules and Procedures 1987.
2. The applicant was working as EDDA/MC at Chappalamadugu Branch Office a/c with Erragondapalem S.O. from 1979 onwards. While working so he was alleged to have committed certain grave misconduct and dereliction of duty. and he was put off from duty.
3. The SDI(P), Markapur i.e. Respondent No.3 issued a charge memo vide proceedings No.F/FRP dt. 31.3.89. The charges levelled against the applicant read as under :

"ARTICLE-I

That the said Sri M.V. Ramana, EDMC/DA(put off), Chapalamadugu B.O. a/w E.G.Palem SO fraudulently took payment of the old age pension money orders bearing numbers 0458/74, dt.2.6.87, 2614/267 dt. 26.8.87, 4905/120 dt. 26.11.87 and 7904/65 dt. 26.3.88 issued by Ongole H.O. at Rs.90/- each and showed the M.Os as paid to the payee on 5.6.87, 3.9.87, 2.12.87 and 29.3.88 respectively and rendered the money order paid vouchers to the BPM, Chapalamadugu BO as such when the money orders were not actually paid to the payee and when the payee reported died before the date of payment of these MOs.

Thus Sri MV Ramana has contravened the provisions of rules 10 : 106 of Book of BO Rules (Sixth Edition) read with rules 121 and 127 of P&T Manual Volume VI Part III (sixth edition) and thereby exhibited lack of absolute integrity and devotion to duty as required by the provisions of rule 17 of P&T ED Agents conduct and service rules, 1964.

ARTICLE-II

That Sri MV Ramana, EDMC/DA(put off), Chapalamadugu B.O. a/w EG Palem SO failed to maintain the postman book for the period from 1.11.87 to 31.12.87 which is a primary record to be maintained by the delivery agent contravening the provisions of rule 110 of P&T Manual Volume VI part III (sixth Edition) and thereby exhibited lack of devotion to duty as required by the provisions

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of rule 17 of P&T ED Agents Conduct and Service Rules, 1964."

4. A detailed inquiry was conducted into the charges. by the SDI(P), Allagadda. A copy of the report of the Inquiry Officer is at Annexure-4, (pages 11 to 30) to the O.A.

5. A copy of the report of the Inquiry Officer was furnished to the applicant. The applicant submitted his representation dt. 15.12.90.

6. The respondent No.3 is the disciplinary authority. The respondent No.3 after going through the inquiry records, and explanation of the applicant ordered for forfeiture of the past service of the applicant for all purposes and reinstated the applicant into service. The order of the disciplinary authority is at Annexure-5 (pages 31 to 36).

7. The respondent No.2 is the reviewing authority. The respondent No.2 after going through the inquiry proceedings, felt that the punishment awarded by the Respondent No.3 was inadequate compared to the gravity of the charge levelled against the applicant and issued a notice dt. 8.9.91 to the applicant to shew cause as to why the punishment be enhanced. A copy of the show cause notice is at Annexure-II (page-6) to the O.A.

8. The applicant submitted his reply. A copy of the reply is at Annexure-3 (page 7 to 17) to the O.A.

9. The respondent No.2 after considering the explanation of the applicant, by his proceedings No.F/3-1/88-89 dt. 8.10.91 passed an order enhancing the punishment and thereby removed the applicant from service. The applicant has not produced copy of the order passed by the respondent No.2.

10. On 24.1.92, The applicant preferred an appeal to the Respondent No.1 against the order dt. 8.10.91. In the first instance, the Respondent No.2 felt that no appeal against the order dt. 8.10.91 passed by the respondent No.2 was maintainable

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Accordingly, he rejected the appeal by his order dt. 16.7.92. The applicant has not produced a copy of the order dt. 16.7.92. passed by the Respondent No.2.

11. The applicant submitted a petition to the President of India, The said petition was considered by the Directorate. The Directorate felt that the order dt. 16.7.92 passed by the Respondent No.2 was not according to the rules. He should have entertained the appeal and decided the appeal on merits.

12. He was of the view that the Respondent No.2 in his reviewing powers had enhanced the penalty of punishment and imposed on the applicant, /it was proper for the respondent No.1 to have considered the appeal dt. 24.1.92 on merits. Accordingly, the Directorate issued instructions to the respondent No.1 to reconsider the appeal dt. 24.1.92 on merits.

13. The respondent No.1 accordingly reconsidered the appeal dt. 24.1.92 and by his proceedings No.ST-III/14-NDL dt. 21.11.95 rejected the appeal and confirmed the order passed by the respondent No.2.

14. The applicant has filed this O.A. challenging the order dt. 21.11.95 passed by the Respondent No.1 on his appeal dt. 24.1.92 praying to set aside and for a direction to the respondents to reinstate him into service with all consequential benefits.

15. The respondents have filed their counter stating the circumstances under which the respondent No.2 felt the punishment imposed by the disciplinary authority in his order dt. 24.12.90 was not adequate and exercised his power under Rule 29 of the CCS (CCA) Rules, and imposed the punishment

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of removal of the applicant from service. The appeal submitted by the applicant against the said order was considered in the first instance as not maintainable by the respondent No.1. However, on the directions received from the Directorate the respondent No.1 considered the appeal and by the impugned order confirmed the punishment imposed by the respondent No.2.

16. The applicant has not filed any rejoinder to the reply. On going through the misconduct alleged against the applicant, it is disclosed that Sri N. Venkataiah was an old age pensioner from the State Govt. The said Sri N. Venkataiah expired on 8.3.87. However, the State Govt. remitted pension payable to him in June, September, December and March, 1988 through Money Orders. The M.Os. were required to be disbursed by the applicant. The said N. Venkataiah was a resident of Chappalamadugu, village. It is stated by the Respondent No.2 that Chappalamadugu is a small village and the applicant being EDMC/DA should have known the death of the said N.Venkataiah and should have refunded the amounts to the State Govt. Instead he prepared documents to show as if he had disbursed the said M.Os. to the payee on 5.6.87, 3.9.87, 2.12.87 and 29.3.88 respectively. The case of the disciplinary authority is that the applicant had falsely prepared certain documents to show as if Sri N. Venkataiah, payee of the said M.Os. was still alive and misappropriated the funds. This charge is really a grave charge. When this charge has been established as per the report of the Inquiry Officer, the respondent No.3 in the first instance without understanding the gravamen of the charge had thought it proper to take a lenient view by imposing punishment of forfeiture of service.

17. The respondents' further charge was that he failed to maintain the Postman Book. It was necessary for the applicant to maintain the Postman-book. The applicant had admitted the said dereliction of duty in not maintaining the Postman Book.

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18. Having regard to the gravity of the charge against the applicant the respondent No.2 rightly exercised his power under Rule 29 of the CCS CCA Rules and considered the imposition of penalty. He had given the show cause notice to the applicant. The applicant had failed to submit his explanation to the show cause notice even though he had sought extension of time.

19. From the material available on record it cannot be said that the respondent No.2 had exercised his power of revisioning without justifiable grounds.

20. ~~The respondent No.2, passed the order~~ on 8.10.91. The applicant had appealed on 24.1.92.

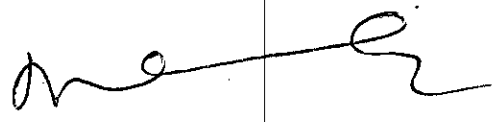
As already observed above, the Appellate Authority had taken an incorrect view as to the maintainability of the appeal dt. 24.1.92. It was only after the Directorate clarified the legal position, the respondent No.1 reconsidered the appeal and by the impugned order dt. 21.11.95 rejected the appeal confirming the punishment.

21. The applicant attempted to make out a case for the delay caused in dismissing the appeal. The respondents have in the reply stated clearly their reasons for the delay. In our opinion no blame can be attributed to the respondent No.1 in considering and deciding the appeal.

22. In view of the above discussions, we find no merits in the O.A.

23. Hence, the O.A. is accordingly dismissed leaving the parties to bear their own costs.


(B.S. JAI PARAMESHWAR)
MEMBER (J)


(R. RANGARAJAN)
MEMBER (A)

Dated, the 11th December, '98.

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OA.205/97

Copy to:-

1. The Post Master General, Kurnool Region, Kurnool.
2. The Superintendent of Post Offices, Nandyal, Kurnool.
3. The Sub Divisional Office, Markapur Praksam Dist.
4. One copy to Mr. M.Subba Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. V.Vinod Kumar, Addl.CSSE., CAT., Hyd.
6. One copy to HBSJP M(J), CAT., Hyd.
7. One duplicate copy.
8. One copy to D.R.(A), CAT., Hyd.

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23/12/98

14 COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESWAR :
M(J)

DATED: 11.12.98

ORDER/JUDGMENT

MAY/R.A./C.P.No. _____

in

OA.NO. 205(97)

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

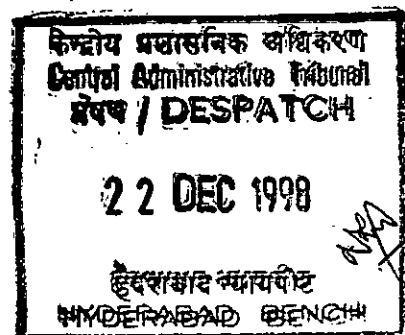
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR



IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

(Rule 4(4) of Admn. Tribunal Act)
M.A.No. 169 of 1997

in

O.A.No. 1740 of 1996

Between: -

M.V.Ramana, S/o Ramana,
aged 32 years, Delivery Assit.,
R/o Chapalamadugu, Pullalacheruvu Mandal,
Prakasam District.

...Applicant.

AND

1. The Post Master General,
Kurnool Region, Kurnool.
2. The Superintendent of Post offices,
Nandyal, Kurnool District.
3. The Sub-Divisional Office,
Markapur, Prakasam District.

... Respondents.

Brief Facts of the case:

It is submitted that the O.A. was returned on 24.6.96. The Hon'ble Tribunal granted time for re-representation of the case on or before 8.7.96. But The bundle was misplaced in our office. I have found the bundle on 15.8.1996. I have seen the date when the case is re-presented. The date of re-representation is over. ~~So~~ Hence, there is a delay in re-representation of the bundle.

Hence, in the above facts and circumstances, it is therefore prayed that this Hon'ble Tribunal may be pleased to condone the delay of ²²⁰ 30 days for ~~filing~~ re-representation of the bundle and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper.

RELIEF SOUGHT:

Hence, in the above facts and circumstances, it is therefore prayed that this Hon'ble Tribunal may be pleased

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To condone the delay
of 220 days in
representation
Prakasam District

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A.No. of 1996

in

O.A.No. of 1996



CONDONE DELAY PETITION
in representation

Filed by

M/s M.Subba Reddy
V.Mallik

Counsel for Applicant.

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to condone the delay of 35 days ~~for filing~~ & re-presentation
of the bundle and pass such other order or orders as this
Hon'ble ~~Court~~ Tribunal may deem fit and proper in the
circumstances of the case.

VERIFICATION

I, G.Purnachandra Rao, S/o Narasimharao, Advocates
Clerk, aged 21 years, 3-6-725, Street No.11, Himayatnagar,
Hyderabad, do hereby declare that the above facts set out
above are true to the best of knowledge and believed
to be true on the legal advice of our counsel. Hence
I have not suppressed any material facts herein.


COUNSEL FOR APPLICANT.


SIGNATURE OF THE APPLICANT.

बेंच केस/BENCH CASE

पोस्टल/POSTAL

मूल/ORIGINAL

C
THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

MA No.169/97 in D/- 19.2.97.
OA SR No.1740/96.

None on both sides. List
this O.A. for dismissal tomorrow
(20.2.97).


HBSJP
M(J).


HRRN
M(A).

M.A.No. 169 | 1997
IN
O.A.No. 1740 | 1996

20.2.97

M.A.No.169/97 in OASR 1740/96


MINUTES

GRAM: HRRN, M(A)
HBSJP, M(J)

*Condon the delay of 220 days in
representation of OA*

None for the applicant. Mr.Vinod
Kumar for Respondents.

This M.A. is filed for condoning the
delay of 220 days in re-presentation of
the OA. The M.A. is not opposed. Hence
the delay in re-presentation of the OA is
condoned. M.A. is allowed. Register the
M.A. M.A. is ordered accordingly.


HBSJP
M(J)


HRRN
M(A)

Mr. M. Subba Reddy
COUNSEL FOR THE APPLICANTS

AND

Mr. V. Vinod Kumar
Sr. Addl. Standing Counsel for
C.C.Rlys.